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File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Wildlife Resources Agency	
Division:	Director's Office	
Contact Person:	Chris Richardson	
Address:	PO Box 40747, Nashville, TN	
Zip:	37204	
Phone:	615-308-0477	
Email:	chris.richardson@tn.gov	

Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Rule(s) (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1660-03-02	Rules and Regulations Governing Public Record Requests
Rule Number	Rule Title
1660-03-02-.01	Policy
1660-03-02-.02	Public Record Requests
1660-03-02-.03	Responding to Requests
Chapter Number	Chapter Title

**RULES
OF
TENNESSEE WILDLIFE RESOURCES AGENCY
ADMINISTRATION**

**CHAPTER 1660-03-02
RULES AND REGULATIONS GOVERNING PUBLIC RECORDS REQUESTS**

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1660-03-02-.01 POLICY

- (1) The Tennessee Public Records Act ("TPRA") provides that all state, county and municipal records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by state law. Accordingly, the public records of the Agency are presumed to be open for inspection unless an exemption is otherwise provided by law. Personnel of the Agency shall provide access and assistance in a timely and efficient manner to persons requesting access to public records. None of the provisions of this rule shall be used to hinder access to open public records; however, the integrity and organization of public records, as well as the efficient and safe operation of the Agency shall be protected as provided by current law. Concerns about the provisions or enforcement of this rule should be addressed to the Agency's Public Records Request Coordinator.
- (2) Definitions:
 - (a) "Records custodian" means the office, official or employee lawfully responsible for the direct custody and care of a public record. The records custodian is not necessarily the original preparer or receiver of the record.
 - (b) "Public records" mean all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
 - (c) "Public records request coordinator" means the individual, or individuals, responsible for ensuring public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the TPRA. The public records request coordinator may also be a records custodian.
 - (d) "Redacted record" means a public record otherwise open for public inspection from which protected or confidential information is removed or obscured prior to release or inspection.
 - (e) "Requestor" means the person requesting access to a public record, whether inspection or duplication.

Authority: T.C.A. §§ 69-9-209; 70-1-206; and 10-7-503.

1660-03-02-.02 PUBLIC RECORD REQUESTS

- (1) All public record requests shall be made to the Public Records Request Coordinator ("PRRC") or his/her designee in order to ensure public record requests made pursuant to the TPRA are routed to the appropriate records custodian and fulfilled in a timely manner.

- (2) Requests for inspection may be made at the Agency's administrative offices located at 440 Hogan Road, Nashville, Tennessee between the hours of 8:00 am and 4:30 pm. C.S.T., Monday through Friday excepting holidays. Requests may also be made via phone, fax, email or web submissions.
- (3) Requests for copies and/or inspection and copies may be made via phone, fax, email, or web submissions in addition to being mailed or hand delivered to the Agency's administrative offices. If mailed, those should be addressed to the Public Records Request Coordinator c/o Legal Division, Tennessee Wildlife Resources Agency, P.O. Box 40747, Nashville, Tennessee 37204.

Authority: T.C.A. §§ 69-9-209; 70-1-206; and 10-7-503.

1660-03-02-.03 RESPONDING TO REQUESTS

- (1) Public Record Request Coordinator
 - (a) The PRRC shall review public record requests and make an initial determination of the following:
 1. If the records requested are described with sufficient specificity to identify them; and
 2. If the governmental entity is the custodian of the records requested.
 - (b) The PRRC shall acknowledge receipt of the request and take the following appropriate action(s):
 1. Advise the requestor of the following:
 - (i) Provision of proof of state citizenship;
 - (ii) Fees for reproduction and labor, if applicable;
 - (iii) Waivers of fees, if applicable; and
 - (iv) Aggregation of multiple requestors.
 2. The Agency may deny the request in writing if the following applies:
 - (i) The requestor is not a Tennessee citizen;
 - (ii) The request lacks specificity;
 - (iii) An exemption exists that makes the record not subject to disclosure under the TPRA; or
 - (iv) The Agency is not the custodian of the requested records. If the records relate to another governmental entity and the PRRC is aware of the correct governmental entity, the PRRC will advise the requestor of the correct governmental entity and PRRC for that entity, if known.
 3. If appropriate, the PRRC may contact the requestor to see if request can be narrowed.
 4. The PRRC shall forward the records request to the appropriate records custodian and help facilitate the production of the records.
- (2) The designated PRRC for the Tennessee Wildlife Resources Agency will be the attorney(s) in the Legal Division for the Agency.
- (3) Contact information for questions about the TPRA process:

Public Records Request Coordinator
Attention: Legal Division
P.O. Box 40747
Nashville, Tennessee 37204
Telephone: 615-781-6606
Fax: 615-781-5264
E-mail: TWRA.RecordReq@tn.gov

(4) Records Custodian

- (a) Upon receiving a public records request, the request shall be forwarded to the PRRC for review.
- (b) If it is not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist, to gain access to records, to determine whether the records are open, or for other similar reasons, then the PRRC shall, within seven (7) business days from the date of receipt of the request, inform the requestor if the records can be released, and if so, provide a reasonable time for production of such records.
- (c) The Agency will provide existing records made in the normal course of business that are subject to disclosure pursuant to the Open Records Act; however the Agency is not required to create records in response to any request, including but not limited to summaries, spreadsheets, lists, etc.
- (d) If it is determined that production of records should be segmented because the records request is for a large volume of records or additional time is necessary to prepare the records for access, the PRRC shall notify the requestor that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the PRRC should contact the requestor to see if request can be narrowed.
- (e) If additional pertinent records are discovered that were inadvertently omitted from the original records production, the records custodian will inform the PRRC, who will contact the requestor concerning the omission and produce the records as quickly as practicable.

(5) Redaction

- (a) If a record contains confidential information or information that is not open for public inspection, the records custodian shall prepare a redacted copy prior to providing access. The records custodian shall coordinate with the Agency's Legal Division/PRRC for review and redaction of records.

(6) Confidential Records

- (a) Records that are created on the Agency's REAL system and that are populated and updated using information from the state's drivers' license database are considered confidential pursuant to § 18 USC 2721 and Tenn. Code Ann. § 55-25-101 et seq. Such records are not subject to the Open Records Act, and shall only be disclosed in accordance with exemptions provided for in federal and state law.

(7) Inspection of Records

- (a) There is no charge for inspection of open public records.
- (b) The location for inspection of records within the offices of the Agency shall be specified by the records custodian.
- (c) The PRRC may require an appointment for inspection or may require inspection of records at an alternate location under reasonable circumstances.

(8) Reproduction of Records

- (a) Copies will be available for pickup at the location specified by the records custodian.
- (b) Upon payment for costs of postage, copies will be delivered to the requestor's home address by US Postal Service.
- (c) A requestor may be allowed to make copies of records with personal equipment including but not limited to a cellphone equipped with a camera but only after such records have been inspected and properly redacted, if necessary.
- (d) In order to alleviate costs, copies of records may be provided via electronic transmission via email.

(9) Fees and Charges

- (a) Prior to producing copies of records, requestors will be provided with an estimate of the charges, itemized by per page costs, labor, as well as other media that has been reproduced, to be assessed.
- (b) When fees for copies and labor do not exceed \$10.00 the fees will be waived.
- (c) The Agency shall assess charges for the copying and labor based on the most current version of the Schedule of Reasonable Charges, issued by the Office of Open Records Counsel, which can be found on the Comptroller's website at: <http://www.comptroller.tn.gov/openrecords/forms.asp>.
- (d) Payment is to be made by cash, cashier's check, money order, or credit card. The cashier's check or money order shall be made payable to the Tennessee Wildlife Resources Agency and must be delivered to the agency sales office at TWRA Agency Sales Division, Ray Bell Region II Office Building 5105 Edmondson Pike PO Box 41489 Nashville, TN 37204.
- (e) Payment in advance will be required whenever reproduction costs are estimated to exceed \$10.00.

Authority: T.C.A. §§ 69-9-209; 70-1-206; and 10-7-503.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Chad Baker					
Angie Box					
Jeff Cook					
Bill Cox					
Dennis Gardner					
Kurt Holbert					
Connie King					
Brian McLerran					
Tony Sanders					
James Stroud					
Bill Swan					
Kent Woods					
Jamie Woodson					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Fish and Wildlife Commission on _____ (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: _____ (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). _____ (mm/dd/yy)

Date: _____

Signature: _____

Name of Officer: Ed Carter

Title of Officer: Executive Director

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Tennessee Wildlife Resources Agency

Rule Chapter Number(s): 1660-03-02

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

☐ There were no public comments to the above-described rule.

☐ Attached hereto are the responses to public comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

There are no businesses, small or otherwise, that would bear the cost of or directly benefit from the proposed rule.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The Agency does not believe that the rule amendment/repeal will have any impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Pursuant to Tenn. Code Ann. § 10-7-503(g)(2), these rules establish a written public records policy designating the public records request coordinator, address the process for making records requests, and addressing the process for responding to records requests.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

Tenn. Code Ann. § 10-7-503 mandates the promulgation of these rules.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Any person submitting a public records request to the Agency will be affected by these rules.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

No Attorney General Opinion or judicial ruling directly relating to the rule has been identified.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The fiscal impact to state and local government is minimal.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Tracey Boyers, TWRA, PO Box 40747, Nashville, TN 37204; 615-781-6657; tracey.boyers@tn.gov

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Chris Richardson, Asst. Director, TWRA, will explain the rule at the scheduled meeting of the Government Operations Committee

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Chris Richardson, TWRA, PO Box 40747, Nashville, TN 37204; 615-308-0477; Chris.Richardson@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.